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PATENT APPLICATION

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UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Rodric FAN

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Group Art Unit: 2617

Title: LOCATION-SPECIFIC IN-VEHICLE FREQUENCY TUNING DATA

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TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 09/22/2010.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$540.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$130

☐ 2nd Month
\$490

☐ 3rd Month
\$1110

☐ 4th Month
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☐ The extension fee has already been filed in this application.

- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant:	Fan, Rodric C.	Patent Application
Application No.:	09/705,564	Group Art Unit: 2617
Filed:	November 3, 2000	Examiner: Ho, Huy C.
For:	Location-Specific In-Vehicle Frequency Tuning Data	

APPEAL BRIEF

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I. Real Party in Interest

The assignee of the present application is Trimble Navigation Limited.

II. Related Appeals and Interferences

There are no related appeals or interferences known to the Appellant.

III. Status of Claims

Claims 9-16, 27, and 29-30 have been previously cancelled. Claims 1-8, 17-26, 28, 31, and 32 remain pending and stand rejected. This Appeal involves Claims 1-8, 17-26, 28, 31, and 32.

IV. Status of Amendments

All proposed amendments have been entered. An amendment subsequent to the Final Action has not been filed.

V. Summary of Claimed Subject Matter

Independent Claim 1 is to a location-specific frequency tuning system. Independent Claim 17 is to a method of tuning location-specific frequency data in a mobile signal receiving unit using a frequency selection unit coupled to the mobile signal receiving unit.

The system embodiment of Claim 1 is described at least at Figure 2; page 32, line 2 - page 3, line 15; and page 3, line 16 - page 8, line 31. “[A] location unit,” is described at least at location unit 102 (Figure 2); page 2, line 33; page 3, lines 3-5; page 3, line 29; and page 3, line 31 - page 4, line 18. The concept of “a wireless interface to a wide area network,” is enabled at least at page 4, lines 10-12 and lines 23 - 31; page 7, lines 21-31; and by the depicted link for providing tuning data 120 from database 122 to memory unit 124 of frequency selection unit 104, which is located in vehicle 101 (see e.g., Figure 2). “[A] user interface,” is described at least at listener interface 108 (Figure 2); page 3, line 30; page 5, lines 11-15; and page 8, lines 3-10 and 18-20. “[A] mobile receiving unit tuned to receive a broadcast signal based on a selected frequency provided as input to the mobile receiving unit,” is described at least at receiving unit 106 located in vehicle 101 (Figure 2); page 2, line 34; page 3, lines 3-11; page 3, line 30; page 5, lines 5-10; and page 7, lines 9-11. “[A] frequency selection unit coupled to said mobile receiving unit,” is described at least at frequency selection unit 104 (Figure 2 where frequency selection unit 104 is shown coupled to receiving unit 106); page 2, line 34; page 3, lines 29-30; and page 5, lines 4-5. “[S]aid frequency selection unit receiving a current location from the location unit,” is described at least at page 3, lines 3-5; page 4, lines 2-4 and 19-20; and Figure 2 which shows position information 114 coupled from location unit 102 to frequency selection unit 104. “[R]eceiving tuning data comprising a set of frequencies of broadcast signals corresponding to different geographic regions through the wireless interface at the current location from a

database on the wide area network,” is described at least at page 4, lines 20-31; page 5, lines 16-28; Table I on page 6, which shows frequencies categorized by geographic areas A, B, and C that correspond to coverage areas 12, 16, and 18 of Figure 1; page 6, lines 3-27; and Figure 2 which shows tuning data 120 being coupled from database 120 to memory 124 of frequency selection unit 104. “[S]electing a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies,” is described at least at page 3, lines 1-3 and lines 5-11; page 5, line 16 - page 6, line 11; Table I on page 6; and page 8, lines 29-31. “[A]rranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies,” is described at least at page 5, lines 16-22; page 7, lines 1-20; and by content category and geographic data headers shown for tuning data 120 in Table I on page 6. “[G]enerating a menu comprising each of said plurality of arranged frequencies and descriptions of specific broadcast format information corresponding to each of said plurality of arranged frequencies,” is described at least at page 3, lines 11-13; page 7, lines 1-20 and 32-33; and page 8, lines 9-11. [O]utputting said menu to a user through said user interface,” is described at least at page 3, lines 11-13; page 7, lines 7-9 and 32-33; page 8, lines 9-11; and by user interface 108 of Figure 2. “[S]electing one of said plurality of arranged frequencies based on a user selection,” is described at least at page 5, lines 11-15; page 7, lines 9-11; and page 8, lines 3-5 and lines 10-13. “[T]uning said mobile receiving unit to said selected arranged frequency,” is described at least at page 3, lines 7-13; page 7, lines 9-15; and page 8, lines 6-7.

The method embodiment of Claim 17 is described at least at Figure 2; page 2, line 32 - page 3, line 15; and page 3, line 16 - page 8, line 31. “[R]eceiving geographic position information from a location unit, said geographic position information identifying a present

geographic position of said mobile signal receiving unit,” is described at least at page 3, lines 3-5; page 3, line 31 - page 4, line 21; and by the depiction in Figure 2 of location unit 102 receiving GPS signals 110 while being co-located in vehicle 101 with receiving unit 106.

“[R]eceiving tuning data from a remote database said tuning data comprising a set of frequencies of broadcast signals corresponding to different geographic frequencies,” is described at least at page 2, line 34 - page 3, line 3; page 4, line 20 - page 5, line 3; and page 7, lines 21-31. “[R]eceiving user-selected content category information,” is described at least at page 7, lines 21-31. “[D]etermining a plurality of reception areas in which said system is located based on said geographic position information and said tuning data,” is described at least at page 3, lines 5-7; page 4, lines 19-22; page 5, line 16 - page 7, line 20; and Table I on page 6 (in particular geographic areas A, B, and C, which correspond to coverage areas 12, 16, and 18 of Figure 1). “[S]electing localized tuning data based on signal strength for a plurality of available frequencies having a signal reception area corresponding to at least one of said plurality of reception areas, said localized tuning data corresponding to signals having several broadcast forms,” is described at least at Table I on page 6, which lists selected localized tuning data for geographic areas A, B, and C and categorizes the tuning data by content categories (e.g., Classical, Rock & Roll, Traffic, and Weather); page 5, line 16 - page 7, line 20; and page 8, lines 29-31. “[A]rranging said localized tuning data by subject content categories associated with said plurality of available frequencies and geographic areas corresponding to each of said plurality of reception areas,” is described at least at Table I on page 6, which shows tuning data 120 arranged by content category per geographic area; page 3, lines 7-11; and page 5, line 16 - page 7, line 20. “[S]electing localized content information from said arranged localized tuning data when said system moves to a new reception area among said plurality of reception areas, said selected localized content information comprising a plurality of localized content-specific frequencies corresponding to said user-

selected content category information and said new reception area, and said selected localized content information further comprising a description of specific broadcast format information for each of said plurality of localized content-specific frequencies,” is described at least at page 3, lines 11-15; page 4, line 31 - page 5, line 15; and page 7, line 21- page 8, line 22 (in particular, see page 7, lines 1-9 and page 8, lines 13-16). “[G]enerating a menu listing said selected localized content information,” is described at least at page 7, line 32 - page 8, line 16. “[O]utputting said menu to a user through a user interface,” is described at least at interface 108 of Figure 2; page 7, line 32 - page 8, line 22. “[P]rompting said user interface for a user selection,” is described at least at interface 108 of Figure 2; page 3, lines 11-13; page 5, lines 11-15; page 7, lines 18-20; and page 8, lines 20-22 and lines 29-31. “[S]electing one of said plurality of localized content-specific frequencies based on a user selection,” is described at least at page 5, lines 11-15; page 7, lines 9-11; and page 8, lines 3-5 and lines 10-13. “[T]uning said mobile signal receiving unit to said selected localized content-specific frequency,” is described at least at page 3, lines 7-13; page 7, lines 9-15; and page 8, lines 6-7.

VI. Grounds of Rejection to Be Reviewed on Appeal

1. Whether Claims 1, 2, 4-8, 31, and 32 are unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 5,864,753 to Morita et al. ("Morita") in view of European Patent Application EP0964514 to McLellan and further in view of U.S. Patent No. 5,640,696 to Ishikawa et al. ("Ishikawa").

2. Whether Claims 17, 18, 20-22, 25-26, and 28 are unpatentable under 35 U.S.C. §103(a) over Morita in view of McLellan and further in view of Ishikawa.

3. Whether Claims 3, 19, 23, and 24 are unpatentable under 35 U.S.C. §103(a) over Morita in view of McLellan in view of Ishikawa and further in view of U.S. Patent No. 6,374,177 to Lee et al. ("Lee").

VII. Argument

1. Whether Claims 1, 2, 4-8, 31, and 32 are unpatentable under 35 U.S.C. §103(a) over Morita in view of McLellan and further in view of Ishikawa.

Appellant has reviewed the above cited art and respectfully submits that the embodiments recited in Claims 1, 2, 4-8, 31, and 32 are patentable over the cited art for at least the following rationale.

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141(II)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)). Appellant notes that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141(III)).

Additionally, per MPEP 2141(III), “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” In re Kahn, 441 F. 3d 977, 988 as cited by *KSR International Co. v. Teleflex Inc.* (KSR), 550 U.S. 398, 82 USPQ2d at 1396 (2007).

Attention is directed to independent Claim 1, which recites (emphasis added):

A location-specific frequency tuning system comprising:

- a location unit;
- a wireless interface to a wide area network;
- a user interface;
- a mobile receiving unit tuned to receive a broadcast signal based on a selected frequency provided as input to the mobile receiving unit; and
- a frequency selection unit coupled to said mobile receiving unit, said frequency selection unit receiving a current location from the location unit, receiving tuning data comprising a set of frequencies of broadcast signals corresponding to different geographic regions through the wireless interface at the current location from a database on the wide area network, selecting a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies, arranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies, generating a menu comprising each of said plurality of arranged frequencies and descriptions of specific broadcast format information corresponding to each of said plurality of arranged frequencies, outputting said menu to a user through said user interface, selecting one of said plurality of arranged frequencies based on a user selection, and tuning said mobile receiving unit to said selected arranged frequency.

Claims 2, 4-8, 31, and 32 depend from Claim 1 and recite further features of the embodiment of Claim 1.

Per Appellant's understanding, Morita describes scheduling a requested program (col. 3, line 56 - col. 4, line 8) and automatically sequencing a selection of programs at a sequence of particular times (col. 4, lines 16-46). However, per Appellant's understanding and concession of the instant Rejection dated 6/22/2010 (page 4, lines 9-10), Morita is silent regarding "selecting a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies," and does not teach this feature that is recited in Claim 1. Additionally, per Appellant's understanding and concession of the instant Rejection (page 4, line 1), Morita is also silent with respect to "arranging said plurality of

frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies,” and does not teach this feature that is also recited in Claim 1.

Appellant submits that neither McLellan nor the combination of Morita in view of McLellan cures either of the two deficiencies noted above with Morita. Of note, McLellan was relied upon by the instant Rejection in an attempt to show a teaching of “...arranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies.” However, McLellan was NOT relied upon in support of showing “...selecting a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies.” Indeed, the instant Rejection at page 4, lines 9-10 concedes (and Appellant agrees) that the combination of Morita in view of McLellan does not teach “...selecting a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies,” as is recited in Claim 1.

Per Appellant’s understanding, McLellan may disclose “... included with the radio receiver of the present invention is a database of various radio formats... and the frequency(ies) of stations playing those formats for various locations,” (see para. 004 of McLellan) and using signal strength to determine when to switch from one signal to another (see para. 005 of McLellan). However, even when taken in view of Morita’s teachings, this is also very different from, and does not teach or suggest, “...arranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies,” as is recited in Claim 1 and similarly recited in Claim 17. For example, since the above described database is included with McLellan’s radio receiver, no “arranging” is required. Further, it appears that McLellan actually teaches away from

numerous of the Rejection's cited portions of Morita (e.g., col. 2, lines 1-15; col. lines 5-30; base station 200 and database 201 of Figure 1). This teaching away exists at least because Morita relies upon a wireless connection to a remote base station (200) database (201) and a query of an actual radio station for providing tuning data, while McLellan includes "a database of various radio formats" within its radio receiver (see col. 2, lines 1-30 of Morita and para. 4 of McLellan).

The instant Rejection's rationale for combining Morita and McLellan to arrive at Appellant's claimed feature of "...arranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies," is that it provides "...time convenience for radio station retrievals for a radio receiver using location determination taught by McLellan," (see Rejection page 4, lines 7-8). However, as indicated above, Appellant believes that McLellan actually teaches away from Morita, because McLellan stores a radio station database locally within its radio receiver. In light of these contradictory teachings, the instant Rejection's rationale for combining McLellan with Morita to render Claim 1 obvious appears to be not only conclusory, but also confusing. As indicated in MPEP 2141, *In re Kahn*, and KSR, such conclusory rationale is inappropriate. What is instead required (but not provided) is an articulated reasoning with a rational underpinning for the combining of Morita in view of McLellan. Some sort of articulated reasoning would seem to be especially important in the face of McLellan's apparent teaching away from Morita.

Thus, Appellant submits that neither Morita nor McLellan, either alone or in combination, teaches or suggests either "selecting a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies," or

“arranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies,” as are recited in Claim 1.

Appellant submits that neither Ishikawa nor Morita in view of McLellan and further in view of Ishikawa cures this deficiency. The instant Rejection did not rely upon Ishikawa for support of teaching the feature of “arranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies,” as recited in Claim 1, and it is Appellant’s understanding that the addition of Ishikawa to the combination of Morita in view of McLellan does not provide a combination of art which teaches or suggests this feature. The instant Rejection does rely upon Ishikawa in an attempt to support a teaching of “selecting a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies.” However, Appellant disagrees that the inclusion of Ishikawa produces a combination of art which teaches or suggests this feature of Claim 1.

The Rejection (page 4, lines 9-16) contends that col. 8, lines 5-13 of Ishikawa teaches “receiving device receives broadcast frequencies based on sensitive levels of receive frequencies,” and that this somehow amounts to a teaching of Appellant’s feature of “selecting a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies.” Appellant disagrees. Instead, Appellant submits that Ishikawa is silent with respect to this feature. While Ishikawa may disclose monitoring a signal level of a single tuned station and tuning to a single new station when the signal level for the currently tuned station falls below a threshold (see col. 8, lines 6-59), Appellant submits that this one-at-a-time approach for determining when to change stations is very different from and does not teach, suggest, or involve “selecting a plurality of

frequencies ... based on the strength of said plurality of frequencies,” (emphasis added). For at least this reason, Appellant submits that the combination of Morita in view of McLellan and further in view of Ishikawa fails to render obvious Appellant’s Claim 1.

Appellant submits that the instant Rejection does not explain these above noted differences between the cited art (Morita in view of McLellan and further in view of Ishikawa) and Claim 1, and why Claim 1 as a whole would be obvious in spite of these differences. As such, Appellant submits that Claim 1 is allowable over the 35 U.S.C. §103(a) rejection to the combination of Morita in view of McLellan and further in view of Ishikawa. Hence, it is respectfully submitted that dependent Claims 2, 4-8, 31, and 32, which depend from Claim 1, are also patentable over Morita in view of McLellan and further in view of Ishikawa for at least the reasons discussed above and by virtue of their dependence from allowable independent Claim 1.

2. Whether Claims 17, 18, 20-22, 25-26, and 28 are unpatentable under 35 U.S.C. §103(a) over Morita in view of McLellan and further in view of Ishikawa.

Appellant has reviewed the above cited art and respectfully submits that the embodiments recited in Claims 17, 18, 20-22, 25-26 and 28 are patentable over the cited art for at least the following rationale.

Attention is directed to independent Claim 17, which recites, in part (emphasis added):

A method of tuning location-specific frequency data in a mobile signal receiving unit using a frequency selection unit coupled to said mobile signal receiving unit, said method comprising...

...selecting localized tuning data based on signal strength for a plurality of available frequencies having a signal reception area corresponding

to at least one of said plurality of reception areas, said localized tuning data corresponding to signals having several broadcast forms; arranging said localized tuning data by subject content categories associated with said plurality of available frequencies and geographic areas corresponding to each of said plurality of reception areas...

Claims 18, 20-22, 25-26, and 28 depend from Claim 17 and recite further features to the embodiment of Claim 17.

Per Appellant's understanding, Morita describes scheduling a requested program (col. 3, line 56 - col. 4, line 8) and automatically sequencing a selection of programs at a sequence of particular times (col. 4, lines 16-46). However, per Appellant's understanding and concession of the instant Rejection dated 6/22/2010 (page 5, lines 24-25), Morita is silent regarding "...selecting localized tuning data based on signal strength for a plurality of available frequencies having a signal reception area corresponding to at least one of said plurality of reception areas," and does not teach this feature that is recited in Claim 17. Additionally, per Appellant's understanding and concession of the instant Rejection (page 5, lines 16-18), Morita is also silent with respect to "arranging said localized tuning data by subject content categories associated with said plurality of available frequencies and geographic areas corresponding to each of said plurality of reception areas....," and does not teach this feature that is also recited in Claim 17.

Appellant submits that neither McLellan nor the combination of Morita in view of McLellan cures either of the two deficiencies noted above with Morita. Of note, McLellan was relied upon by the instant Rejection in an attempt to show a teaching of "...arranging said localized tuning data by subject content categories associated with said plurality of available frequencies and geographic areas corresponding to each of said plurality of reception area."

However, McLellan was NOT relied upon in support of showing ...selecting localized tuning data based on signal strength for a plurality of available frequencies having a signal reception area corresponding to at least one of said plurality of reception areas.” Indeed, the instant Rejection at page 5, lines 24-26 concedes (and Appellant agrees) that the combination of Morita in view of McLellan does not teach ...selecting localized tuning data based on signal strength for a plurality of available frequencies having a signal reception area corresponding to at least one of said plurality of reception areas,” as is recited in Claim 17.

Per Appellant’s understanding, McLellan may disclose “... included with the radio receiver of the present invention is a database of various radio formats... and the frequency(ies) of stations playing those formats for various locations,” (see para. 004 of McLellan) and further disclose using signal strength to determine when to switch from one signal to another (see para. 005 of McLellan). However, even when taken in view of Morita’s teachings, this is also very different from, and does not teach or suggest, arranging said localized tuning data by subject content categories associated with said plurality of available frequencies and geographic areas corresponding to each of said plurality of reception areas,” as is recited in Claim 17. For example, since the above described database is included with McLellan’s radio receiver, no “arranging” is required. Further, it appears that McLellan actually teaches away from numerous of the Rejection’s cited portions of Morita (e.g., col. 2, lines 1-15; col. lines 5-30; base station 200 and database 201 of Figure 1). This teaching away exists at least because Morita relies upon a wireless connection to a remote base station (200) database (201) and a query of an actual radio station for providing tuning data, while McLellan includes “a database of various radio formats” within its radio receiver (see col. 2, lines 1-30 of Morita and para. 4 of McLellan).

The instant Rejection's rationale for combining Morita and McLellan to arrive at Appellant's claimed feature of "arranging said localized tuning data by subject content categories associated with said plurality of available frequencies and geographic areas corresponding to each of said plurality of reception areas," is that it provides "...time convenience for radio station retrievals for a radio receiver using location determination taught by McLellan," (see Rejection page 5, lines 22-23). However, as indicated above, Appellant believes that McLellan actually teaches away from Morita, because McClellan stores a radio station database locally within its radio receiver. In light of these contradictory teachings, the instant Rejection's rationale for combining McLellan with Morita to render Claim 17 obvious appears to be not only conclusory, but also confusing. As indicated in above with respect to Claim 1 and in MPEP 2141, *In re Kahn*, and KSR, such conclusory rationale is inappropriate. What is instead required (but not provided) is an articulated reasoning with a rational underpinning for the combining of Morita in view of McLellan. Some sort of articulated reasoning would seem to be especially important in the face of McLellan's apparent teaching away from Morita.

Thus, Appellant submits that neither Morita nor McLellan, either alone or in combination, teaches or suggests either "selecting localized tuning data based on signal strength for a plurality of available frequencies having a signal reception area corresponding to at least one of said plurality of reception areas," or "arranging said localized tuning data by subject content categories associated with said plurality of available frequencies and geographic areas corresponding to each of said plurality of reception areas," as are recited in Claim 17.

Appellant submits that neither Ishikawa nor Morita in view of McLellan and further in view of Ishikawa cures this deficiency. The instant Rejection did not rely upon Ishikawa for support of teaching the feature of “arranging said localized tuning data by subject content categories associated with said plurality of available frequencies and geographic areas corresponding to each of said plurality of reception areas,” as recited in Claim 17, and it is Appellant’s understanding that the addition of Ishikawa to the combination of Morita in view of McLellan does not provide a combination of art which teaches or suggests this feature. The instant Rejection does rely upon Ishikawa in an attempt to support a teaching of “selecting localized tuning data based on signal strength for a plurality of available frequencies having a signal reception area corresponding to at least one of said plurality of reception areas.” However, Appellant disagrees that the inclusion of Ishikawa produces a combination of art which teaches or suggests this feature of Claim 17.

The Rejection (page 5, lines 25-26) contends that col. 8, lines 5-13 of Ishikawa teaches “receiving device receives broadcast frequencies based on sensitive levels of receive frequencies,” and that this somehow amounts to a teaching of Appellant’s feature of “selecting localized tuning data based on signal strength for a plurality of available frequencies having a signal reception area corresponding to at least one of said plurality of reception areas.” Appellant disagrees. Instead, Appellant submits that Ishikawa is silent with respect to this feature. While Ishikawa may disclose monitoring a signal level of a single tuned station and tuning to a single new station when the signal level for the currently tuned station falls below a threshold (see col. 8, lines 6-59), Appellant submits that this one-at-a-time approach for determining when to change stations is very different from and does not teach, suggest, or involve “selecting localized tuning data based on signal strength for a plurality of available frequencies having a signal reception area corresponding to at least one

of said plurality of reception areas,” (emphasis added). For at least this reason, Appellant submits that the combination of Morita in view of McLellan and further in view of Ishikawa fails to render obvious Appellant’s Claim 17.

Appellant submits that the instant Rejection does not explain these above noted differences between the cited art (Morita in view of McLellan and further in view of Ishikawa) and Claim 17, and why Claim 17 as a whole would be obvious in spite of these differences. As such, Appellant submits that Claim 17 is allowable over the 35 U.S.C. §103(a) rejection to the combination of Morita in view of McLellan and further in view of Ishikawa. Hence, it is respectfully submitted that dependent Claims 18, 20-22, 25-26, and 28, which depend from Claim 17, are also patentable over Morita in view of McLellan and further in view of Ishikawa for at least the reasons discussed above and by virtue of their dependence from allowable independent Claim 17.

3. Whether Claims 3, 19, 23, and 24 are unpatentable under 35 U.S.C. §103(a) over Morita in view of McLellan in view of Ishikawa and further in view of Lee.

Appellant has reviewed the above cited art and respectfully submits that the embodiments recited in Claims 3, 19, 23, and 24 are patentable over the cited art for at least the following rationale.

Claim 3 depends from Claim 1 and adds further features to those of Claim 1. Claims 19, 23, and 24 depend from independent Claim 17 and add further features to those of Claim 17. As described above, neither Morita, nor McLellan, nor Ishikawa nor the combination of Morita in view of McLellan and further in view of Ishikawa teaches or suggests the

embodiment of Claim 1 or the embodiment of Claim 17. Appellant submits that the combination of Morita in view of McLellan in view of Ishikawa and further in view of Lee fails to cure the above described deficiencies of Morita and McLellan for the same reasons as previously discussed above with respect to Claim 1 and with respect to Claim 17.

With respect to the inclusion of Lee. Appellant understands Lee to describe that if a vehicle moves out of the geographic area used in the original configuration and so loses signal from its local stations a user may *manually request* from the multimedia device a *recalibration* of local audio stations (see col. 14 lines 46 - 59 of Lee). The location of the vehicle from the GPS receiver is sent to the gateway and a new set of local stations are transferred back to the device from the gateway broadcaster database (see col. 14 lines 46 - 59 of Lee). Appellant further understands Lee to teach that if the playing station experiences a set amount of drift, that event will *automatically trigger a request for a local station recalibration* (see col. 14 lines 46 - 59 of Lee). Finally, Appellant understands Lee to further teach *requesting* from the broadcaster database at the gateway a *list of any other receivable stations* that are currently broadcasting the same programming as the fading station (see col. 14 lines 46 - 59 of Lee).

However, Appellant does not understand Lee (or the combination of Morita in view of McLellan in view of Ishikawa and further in view of Lee) to teach or suggest “selecting a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies, arranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies,” as recited in Claim 1 and similarly in Claim 17. Moreover, the instant Rejection does not explain these differences between the cited art (Morita in view of McLellan in view of Ishikawa and

further in view of Lee) and Claims 1 and 17, and why Claims 1 and 17 as a whole would be obvious in spite of these differences.

As such, Appellant submits that Claims 1 and 17 are allowable over the 35 U.S.C. §103(a) rejection to the combination of Morita in view of McLellan in view of Ishikawa and further in view of Lee. Hence, it is respectfully submitted that dependent Claim 3 which depends from Claim 1 and dependent Claims 19, 23, and 24 which depend from Claim 17, are also patentable over Morita in view of McClellan in view of Ishikawa and further in view of Lee for at least the reasons discussed above and by virtue dependence from allowable independent claims.

Conclusion

Appellant believes that pending Claims 1-8, 17-26, 28, 31, and 32 are patentable over the cited art. Appellant respectfully requests that the rejection of Claims 1-8, 17-26, 28, 31, and 32 be reversed.

The Appellant wishes to encourage the Examiner or a member of the Board of Patent Appeals to telephone the Appellant's undersigned representative if it is felt that a telephone conference could expedite prosecution.

Respectfully submitted,
WAGNER BLECHER LLP

Dated: September 29, 2010

/John P. Wagner, Jr./

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VIII. Appendix - Clean Copy of Claims on Appeal

1. A location-specific frequency tuning system comprising:

a location unit;

a wireless interface to a wide area network;

a user interface;

a mobile receiving unit tuned to receive a broadcast signal based on a selected frequency provided as input to the mobile receiving unit; and

a frequency selection unit coupled to said mobile receiving unit, said frequency selection unit receiving a current location from the location unit, receiving tuning data comprising a set of frequencies of broadcast signals corresponding to different geographic regions through the wireless interface at the current location from a database on the wide area network, selecting a plurality of frequencies from the set of frequencies of broadcast signals based on the strength of said plurality of frequencies, arranging said plurality of frequencies by subject content categories and geographic areas corresponding to said plurality of frequencies, generating a menu comprising each of said plurality of arranged frequencies and descriptions of specific broadcast format information corresponding to each of said plurality of arranged frequencies, outputting said menu to a user through said user interface, selecting one of said plurality of arranged frequencies based on a user selection, and tuning said mobile receiving unit to said selected arranged frequency.

2. The system of claim 1 wherein the selected frequency is the transmission frequency of a frequency modulated (FM) broadcast station.

3. The system of claim 1 wherein the selected frequency is a transmission

frequency of a satellite transmitter.

4. The system of claim 1 further comprising receiving from the frequency selection unit data arranged as radio signal content categories, and to output a menu of the radio signal content categories to a listener.

5. The system of claim 1 wherein at least a portion of the menu is output on a visual display.

6. The system of claim 1 wherein at least a portion of the menu is audibly output by the user interface.

7. The system of claim 1 further comprising a user interface electrically coupled to receive and relay to the frequency selection unit a user command to select a particular content category in an arrangement of radio signal content categories stored in the frequency selection unit.

8. The system of claim 7 wherein the command is a verbal command.

17. A method of tuning location-specific frequency data in a mobile signal receiving unit using a frequency selection unit coupled to said mobile signal receiving unit, said method comprising:

receiving geographic position information from a location unit, said geographic position information identifying a present geographic position of said mobile signal receiving unit

receiving tuning data from a remote database said tuning data comprising a set of frequencies of broadcast signals corresponding to different geographic frequencies;

receiving user-selected content category information;

determining a plurality of reception areas in which said system is located based on said geographic position information and said tuning data;

selecting localized tuning data based on signal strength for a plurality of available frequencies having a signal reception area corresponding to at least one of said plurality of reception areas, said localized tuning data corresponding to signals having several broadcast forms;

arranging said localized tuning data by subject content categories associated with said plurality of available frequencies and geographic areas corresponding to each of said plurality of reception areas;

selecting localized content information from said arranged localized tuning data when said system moves to a new reception area among said plurality of reception areas, said selected localized content information comprising a plurality of localized content-specific frequencies corresponding to said user-selected content category information and said new reception area, and said selected localized content information further comprising a description of specific broadcast format information for each of said plurality of localized content-specific frequencies;

generating a menu listing said selected localized content information;

outputting said menu to a user through a user interface;

prompting said user interface for a user selection;

selecting one of said plurality of localized content-specific frequencies based on a user selection; and

tuning said mobile signal receiving unit to said selected localized content-specific

frequency.

18. The method of claim 17, wherein the tuning data comprises frequency modulated (FM) radio station frequencies.

19. The method of claim 17, wherein the tuning data comprises satellite transmission radio frequencies.

20. The method of claim 17, wherein the tuning data is arranged by categories of content carried by radio signals.

21. The method of claim 20 further comprising the act of outputting to a user a menu of content categories available for the current position.

22. The method of claim 20 further comprising the act of receiving a command from a listener to select a particular content category.

23. The method of claim 17, wherein said user-selected content category information is provided by a system user selecting one or more content categories via the Internet and wherein the tuning data is provided by downloading via the Internet.

24. The method of claim 23, wherein the user selects the one or more content categories via the World-Wide Web.

25. The method of claim 17, wherein the geographic position information is

provided using global positioning system information.

26. The method of claim 17, wherein the geographic position information is provided using cellular wireless communications system information.

28. The method of claim 17, wherein the localized tuning data is selected based on a content category of a broadcast signal being received prior to a change in signal reception condition.

31. The system of claim 1, wherein the geographic position information is provided using global positioning system information.

32. The system of claim 1, wherein the geographic position information is provided using cellular wireless communications system information.

IX. Evidence Appendix

No evidence is herein appended.

X. Related Proceedings Appendix

No related proceedings.